

TENTH DAY.

Senate Chamber,
Austin, Texas,
March 7, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Pollard. |
| Greer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Stevenson. |
| Hornsby. | Thomason. |
| Hyer. | Westbrook. |
| Love. | Williamson. |
| Martin. | Wirtz. |
| McFarlane. | Witt. |
| Miller. | Woodward. |

Absent—Excused.

Woodul.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Woodul:

S. B. No. 62, A bill to be entitled "An Act to amend Title 76, of the Revised Civil Statutes of Texas of 1925, by adding thereto Article 4644a, providing that no injunction shall be granted to stay or prevent the vacating, abandonment or closing, by the City Council or governing body of any incorporated city of this State, of any street or alley in any such incorporated city of this State, except at the suit of the owner or lessees of real property actually abutting on that part of such street or alley actually vacated, abandoned or closed, and then only in the event

that the damages of said owner or lessee shall not have been released or shall not have been ascertained and paid in a condemnation suit by such city, provided that any person who, under existing laws, has the right to enjoin a city from vacating, abandoning or closing any street or alley of such city and whose right to such injunction is denied by this Act, shall have the right to an action for damages for any injury that he may sustain by reason of the vacating, abandoning or closing of any street or alley by such city, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Pollard, Greer and Love:

S. B. No. 63, A bill to be entitled "An Act to create the 120th Judicial District of Texas and to designate the counties constituting said District, and fixing the time for holding court therein; reorganizing the 86th Judicial District of Texas, and designating the counties constituting said district and fixing the time for holding court in the various counties of said district; etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Parr:

S. B. No. 64, A bill to be entitled "An Act to validate the grant of land made by the Crown of Spain to Jose Clemente Gutierrez, his heirs and assigns, of Porcion 41, lying and being situated in Zapata County, Texas, and to authorize the Commissioner of the General Land Office to issue patent to Jose Clemente Gutierrez, his heirs and assigns, to said Porcion, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Small:

S. B. No. 65, A bill to be entitled "An Act to amend Section 2a and 2b of Chapter 28, of the Local and Special Laws enacted by the Twenty-third Legislature at its Regular Session in 1913, same being Special Road Law for Childress County, which sections 2a and 2b were added

by Chapter 279 of the General and Special Laws of the Forty-first Legislature at its Regular Session in 1929; authorizing the commissioners' court of Childress County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment therefor, providing limitations upon the issuance of warrants for road and bridge purposes, and exceptions therefrom; repealing House Bill No. 68, passed at the Fourth Called Session of the Forty-first Legislature; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Greer:

S. B. No. 66, A bill to be entitled "An Act extending any appropriation heretofore made for the year ending August 31, 1930, out of the general revenues for the purpose of promoting the public school interest of rural schools and equalizing the educational opportunities afforded by the State to all children of scholastic age living in small and financially weak school districts, so that the same may be used for the next fiscal year if there be any remaining at the end of this fiscal year; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Message From the House.

The Chair recognized the Door-lepeer, who introduced a messenger from the House with the following message:

Hall of the House of Representatives.

Austin, Texas, March 7, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 42, A bill to be entitled "An Act granting certain rights of eminent domain to water improvement districts, authorizing such districts to acquire by condemnation the fee simple title, easement or right of way in, over or through any and all lands for any of its necessary and authorized purposes, ex-

cept lands used for cemetery purposes, and lands used for supplying water under the laws of this State; defining certain purposes for which property may be condemned by such districts, including the condemnation of riparian rights and the condemnation of materials to be used for any lawful purposes of water improvement districts, and creating an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

House Bill Referred.

H. B. No. 42, referred to Committee on Mining, Irrigation and Drainage.

Messages From the House.

Hall of the House of Representatives.

Austin, Texas, March 7, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 17, A bill to be entitled "An Act creating an additional district court for Harris County; defining its jurisdiction; adjusting the business of the existing district courts to the business thereof; prescribing the duties of the district clerk with respect thereto and declaring an emergency."

With amendment.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.

Austin, Texas, March 7, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 25, A bill to be entitled "An Act enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage, and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage

tanks and storage facilities for the public hire; etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 7, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 29, A bill to be entitled "An Act authorizing the sale of certain lands owned by the State of Texas located near El Paso and known as the abandoned site of the State School of Mines and Metallurgy; providing regulations in reference thereto, and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act to amend Chapter 5, Title 115, of the Revised Statutes of 1925, by adding thereto Section 6662a, providing that all ordinances of cities, towns or villages levying assessments against property for the paving, straightening, widening, opening, extending, grading, raising, lowering or improving streets, or levying assessments for public improvements of any kind or character, be filed for record in the office of the county clerk of the county in which any such city, town or village is located before constituting liens against any such real property as against purchasers or mortgagees for valuable considerations, and declaring an emergency."

S. B. No. 33, A bill to be entitled "An Act providing for and authorizing for exchange between the State of Texas and the Concho, San Saba and Llano Valley Railroad Company of certain lands belonging to them, respectively, situated in Tom Green County, Texas, and the execution of deeds of conveyance effecting such exchange placing the land to be so acquired by and conveyed to the State in and under the possession, control and management of the State Board of Control and constituting same a part of the grounds of

said State Tuberculosis Sanatorium, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

House Bill No. 2.

The question recurred on the amendment by Senator Moore to H. B. No. 2.

Senator Wirtz moved the previous question on the amendment and the engrossment of the bill.

The motion prevailed by the following vote:

Yeas—17.

| | |
|-----------|-------------|
| Cousins. | Pollard. |
| Gainer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Stevenson. |
| Hyer. | Westbrook. |
| Martin. | Williamson. |
| Moore. | Wirtz. |
| Parr. | Witt. |
| Parrish. | |

Nays—10.

| | |
|-------------|------------|
| Beck. | Love. |
| Berkeley. | McFarlane. |
| Cunningham. | Neal. |
| DeBerry. | Patton. |
| Greer. | Thomason. |

Absent.

Hornsby. Miller.

(Pair Recorded.)

Senator Woodward (present) who would vote nay, with Senator Woodul (absent) who would vote yea.

Senator Parrish moved to reconsider the vote by which the previous question was ordered.

The motion was lost by the following vote:

Yeas—11.

| | |
|------------|-----------|
| Beck. | Neal. |
| Berkeley. | Parrish. |
| DeBerry. | Patton. |
| Greer. | Small. |
| Love. | Thomason. |
| McFarlane. | |

Nays—15.

| | |
|-------------|-----------|
| Cousins. | Holbrook. |
| Cunningham. | Hornsby. |
| Gainer. | Hyer. |
| Hardin. | Martin. |

Parr.
Pollard.
Russek.
Stevenson.

Westbrook.
Wirtz.
Witt.

Present—Not Voting.

Moore.

Absent.

Miller.

Williamson.

(Pair Recorded.)

Senator Woodward (present) who would vote yea, with Senator Woodul (absent) who would vote nay.

Executive Session.

At 11 o'clock, the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Dear Sir:

We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, beg leave to make the following report:

To be a member of the Board of Regents of the State Teachers Colleges, Honorable H. L. Kokernot, Jr., of Jeff Davis County.

To be a member of the Board of Directors of the Texas Technological College, Honorable Thomas Johnson, of Collin County.

Respectfully submitted,
W. A. WILLIAMSON, Chairman.
Read and adopted.

Senators Excused.

On motion of Senator Thomason, Senator Woodul was excused for today on account of important business.

Resolution Signed.

The Chair, Lieutenant Gov. Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after the caption had been read, the following resolution:

H. C. R. No. 5.

Motion to Concur.

Senator Woodward moved to concur in House Amendments to S. B. No. 17.

The motion prevailed by the following vote:

Yeas—30.

Beck.
Berkeley.
Cunningham.
Cousins.
Gainer.
Greer.
Hardin.
Holbrook.
Hornsby.
Hyer.
Love.
Martin.
McFarlane.
Miller.
Moore.

Neal.
Parr.
Parrish.
Patton.
Pollard.
Russek.
Small.
Stevenson.
Thomason.
Westbrook.
Williamson.
Wirtz.
Witt.
Woodward.

Absent—Excused.

Woodul.

Recess.

On motion of Senator Witt, the Senate, at 12:25 o'clock recessed until 2:30 o'clock.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieut. Gov. Barry Miller.

Message From The Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department,
Austin, Texas, March 6, 1930.
To The Honorable Senate:

Subject to the confirmation of the Senate I have appointed the following named persons to the positions set opposite their names:

Honorable J. W. Bates of Nacogdoches County, to be District Judge of the Second Judicial District.

Honorable H. P. Green of DeWitt County, to be District Attorney of the Twenty-fourth Judicial District.

Respectfully submitted,

(Signed)

DAN MOODY, Governor.
Read and referred to Committee on Governor's Nominations.

House Bills Referred.

H. B. No. 29, referred to Committee on Public Lands and Land Office.

H. B. No. 75, referred to Committee on Towns and City Corporations.

Executive Session.

On motion of Senator Williamson, the Senate voted to go into executive session at 2:31 o'clock to consider nominations by the Governor.

At 2:31 o'clock, the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, March 7, 1930.

Hon. Barry Miller, President of the Senate.

We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be District Judge of the Second Judicial District, Honorable J. W. Bates, Nacogdoches County.

To be District Attorney of the Twenty-fourth Judicial District, Honorable H. P. Green, DeWitt County.

Respectfully submitted,

W. A. WILLIAMSON, Chairman.

Read and adopted.

House Bill No. 2.

The question recurred on the substitute for the committee amendment to H. B. No. 2.

The substitute was lost.

The committee amendment was adopted by the following vote:

Yeas—19.

| | |
|-------------|---------|
| Cousins. | Love. |
| Cunningham. | Martin. |
| DeBerry. | Miller. |
| Gainer. | Moore. |
| Hardin. | Parr. |
| Holbrook. | Russek. |
| Hyer. | Small. |

Stevenson.
Westbrook.
Williamson.

Wirtz.
Witt.

Nays—10.

Beck.
Berkeley.
Greer.
Hornsby.
McFarlane.

Neal.
Parrish.
Patton.
Pollard.
Thomason.

(Pair Recorded.)

Senator Woodward (present) who would vote nay, with Senator Woodul (absent) who would vote yea.

The bill as amended passed to engrossment by the following vote:

Yeas—24.

Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hyer.
Love.
Martin.
McFarlane.

Miller.
Moore.
Parr.
Parrish.
Pollard.
Russek.
Small.
Stevenson.
Westbrook.
Williamson.
Wirtz.
Witt.

Nays—5.

Beck.
Hornsby.
Neal.

Patton.
Thomason.

(Pair Recorded.)

Senator Woodward (present) who would vote nay, with Senator Woodul (absent) who would vote yea.

Senator Holbrook moved the previous question on the suspension of the constitutional rule.

The motion prevailed.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 2 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.
Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Hardin.
Holbrook.
Hornsby.

Hyer.
Love.
Martin.
McFarlane.
Miller.
Moore.
Parr.
Parrish.
Patton.

| | |
|------------|-------------|
| Russek. | Williamson. |
| Small. | Wirtz. |
| Stevenson. | Witt. |
| Thomason. | Woodward. |
| Westbrook. | |

Nays—1.

Neal.

Absent.

Greer.

Pollard.

Absent—Excused.

Woodul.

Read third time and finally passed
by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Pollard. |
| Greer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Stevenson. |
| Hyer. | Westbrook. |
| Love. | Williamson. |
| Martin. | Wirtz. |
| McFarlane. | Witt. |
| Miller. | Woodward. |

Nays—2.

Hornsby.

Thomason.

Absent—Excused.

Woodul.

Reason For Vote.

On the committee amendment to H. B. No. 2, placing the sulphur tax at 50 cents I voted yea, for the following reasons:

The House is on record for a \$1.00 tax and I am reliably informed that when this bill goes to free conference that a compromise of 65 or 75 cents will be offered which I intend supporting. We are in dire need of enough money to meet emergency situation, and the only hope that I have to see this bill pass is to arrive at a compromise between the House and Senate.

DeBERRY.

Reason For Vote.

I have consistently favored a tax of \$1.00 per ton on sulphur and voted against the committee amendment

but rather than defeat any tax and in order that the measure might become immediately effective, I am voting for the bill on the final passage.

PATTON.

Reason For Vote.

I voted "yea" on a 50 cent sulphur tax, although I favored a higher tax, because I felt it would be better to get a 50 cent tax than none at all.

MARGIE E. NEAL.

Statement Ordered Printed.

Senator Moore received unanimous consent to have printed in the Journal the following statement:

Mr. President and Members of the Senate.

Being unable to have my amendment to H. B. No. 2 adopted, I desire to have the following remarks printed in the Journal:

It is a recognized fact, I think, that the farm and home owners of Texas are burdened to almost an unbearable point under heavy taxation. Some relief must be given them. The farmers of the black land section which I have the honor to represent in the Senate of Texas have been faced with losing their properties while the special interests have grabbed the natural resources—the farmers have been losing money while the latter have been pocketing the coin of the realm by the millions. The farmer and home-owner of Texas have been, and are, bearing the major burden of taxation while the special interests have been escaping taxation.

The division of the tax burdens of the State Government is not equal in my judgment. The time has come when the larger burden should be shifted from the farmers and homeowners. Governor Moody, in a recent public statement, stated in effect that certain special interests are filching the State of her natural resources without contributing one penny in special taxes to Texas. I heartily agree with the view expressed by the Chief Executive.

In 1928 the cement interests of Texas produced \$10,938,646.00 worth of cement without contributing one penny of special taxes to the State. In 1928 the natural gas produced in Texas totaled \$51,316,000.00; not one penny of special

taxes was paid by the pipe line companies or distributing companies on this natural resource. Other natural resources could be cited on which the special interests do not pay one penny taxes: Sand and gravel, \$4,602,421.00; gypsum, \$3,041,156.00; stone, \$2,522,495.00; clay products, \$6,193,746.00. It is unnecessary to cite others to convince the most skeptical that we should tax these special interests that are grabbing the wealth of the State, but that are escaping a fair share of taxation.

I submit my bill is fair and reasonable in all things and that it should be adopted by the Legislature to the end that the farmers, home-owners and other real property owners of the State might be relieved of the major tax burdens they are carrying, and that a large portion of these burdens be borne by the gold grabbing, coupon clipping interests now escaping their share of the burdens of the State government.

I favor a 100 per cent increase in the tax on sulphur as provided in my amendment to H. B. No. 2. The sulphur interests are able to and should pay this increase. And while we are increasing the tax on sulphur I submit we should tax the other special interests, thus distributing the tax burdens on All Special Interests in conformity with the constitutional provision that taxation should be equal and uniform and for once rise to the defense of that large body of citizens who cannot be here to represent themselves—the farmers and other home-owners of the State.

H. C. R. No. 3.

Senator Cousins called up from the table H. C. R. No. 3, setting sine die adjournment for March 15, 1930.

Senator DeBerry moved to lay the bill on the table subject to call.

The motion prevailed.

Bills Signed.

The Chair, Lieut. Gov. Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 25.
S. B. No. 33.
S. B. No. 17.

Senate Bill No. 37.

The Chair laid before the Senate the following bill:

By Senator Hornsby:

S. B. No. 37, A bill to be entitled "An Act cancelling and annulling the lease which Travis County holds against the courthouse and jail property owned by the State of Texas."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 37 was put on its third reading and final passage, by the following vote:

Yeas—26.

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|-----------|-------------|
| Beck. | Neal. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Love. | Williamson. |
| Martin. | Wirtz. |
| Miller. | Witt. |
| Moore. | Woodward. |

Nays—1.

McFarlane.

Absent.

| | |
|-------------|----------|
| Cunningham. | Pollard. |
| Hyer. | |

Absent—Excused.

Woodul.

Read third time and finally passed by the following vote:

Yeas—19.

| | |
|-----------|-------------|
| Beck. | Russek. |
| Berkeley. | Small. |
| Gainer. | Stevenson. |
| Hardin. | Thomason. |
| Hornsby. | Westbrook. |
| Love. | Williamson. |
| Martin. | Wirtz. |
| Neal. | Witt. |
| Parr. | Woodward. |
| Patton. | |

Nays—5.

| | |
|------------|---------|
| DeBerry. | Miller. |
| Greer. | Moore. |
| McFarlane. | |

Present—Not Voting.

Holbrook.

Absent.

Cousins. Parrish.
Cunningham. Pollard.
Hyer.

Absent—Excused.

Woodul.

Senate Bill No. 56.

The Chair laid before the Senate on its second reading the following bill:

By Senator Stevenson:

S. B. No. 56, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, or killing of any wild buck deer, wild doe deer, or wild fawn deer within the limits of the county of Live Oak, State of Texas, for a period of five years from and after the passage of this Act, providing a penalty therefor, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The bill was read second time.

Senator Parr sent up the following amendment:

Amend S. B. No. 56 by adding after the word "Live Oak" wherever it appears in the caption and the bill the following: "Kenedy, Willacy and McMullin."

PARR.

The bill as amended passed to engrossment.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 56 was put on its third reading and final passage, by the following vote:

Yeas—30.

| | |
|-------------|------------|
| Beck. | Martin. |
| Berkeley. | McFarlane. |
| Cousins. | Miller. |
| Cunningham. | Moore. |
| DeBerry. | Neal. |
| Gainer. | Parr. |
| Greer. | Parrish. |
| Hardin. | Patton. |
| Holbrook. | Pollard. |
| Hornsby. | Russek. |
| Hyer. | Small. |
| Love. | Stevenson. |

Thomason.
Westbrook.
Williamson.

Wirtz.
Witt.
Woodward.

Absent—Excused.

Woodul.

Read third time and finally passed by the following vote:

Yeas—20.

| | |
|-------------|-------------|
| Beck. | Neal. |
| Berkeley. | Parr. |
| Cousins. | Patton. |
| Cunningham. | Russek. |
| Gainer. | Small. |
| Greer. | Stevenson. |
| Holbrook. | Westbrook. |
| Love. | Williamson. |
| Martin. | Witt. |
| Miller. | Woodward. |

Nays—7.

| | |
|------------|-----------|
| DeBerry. | Moore. |
| Hardin. | Thomason. |
| Hornsby. | Wirtz. |
| McFarlane. | |

Absent.

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| Hyer. | Pollard. |
| Parrish. | |

Absent—Excused.

Woodul.

Senate Bill No. 28.

The Chair laid before the Senate on its third reading the following bill:

By Senator Love:

S. B. No. 28, A bill to be entitled "An Act requiring all public school property to be insured against loss by fire or tornado, hail and wind-storm, and providing the necessary means, funds, and regulations to that end, and declaring an emergency."

Read third time.

Senator Moore moved to indefinitely postpone the further consideration of this bill.

Senator Love moved the previous question on the motion.

The motion prevailed.

Adjournment.

Senator Miller moved to adjourn until 10 o'clock tomorrow morning.

Senator Holbrook moved as a substitute to adjourn until 10 o'clock Monday morning.

The motion was lost.

The original motion prevailed and at 5:35 o'clock, the Senate adjourned.

APPENDIX.

Petitions and Memorials.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 25, carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 18 carefully examined and compared and find the same correctly enrolled, and have this day at 10:15 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 33 carefully examined and compared and find the same correctly enrolled and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 17 carefully examined and compared and find the same correctly enrolled and have this day at 5 the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 7, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 25 carefully examined and compared and find the same correctly enrolled and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 6, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 38, A bill to be entitled "An Act to add to the Revised Civil Statutes of Texas for 1925 a new article to be known as Article 7047a, to provide for an occupation tax on the business or occupation of owning, operating, managing, or controlling exchanges which furnish quotations on the stock market on certain commodities, or stocks and bonds, providing said Act shall not apply to certain persons, firms, corporations, or associations of persons, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 6, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 56, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, or killing of any wild buck deer, wild doe deer, or wild fawn deer within the limits of the County of Live Oak, State of Texas, for a period of five years from and after the passage of this Act, providing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and

that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 6, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 57, A bill to be entitled "An Act to amend Article 2781, R. S. 1925, relating to term of contract of superintendents, principals, teachers, or other executive officers in independent school districts, repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 61, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 23, A bill to be entitled "An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the

Commission of Appeals of the State, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a commission to aid the Supreme Court of Texas regulating their powers and duties, prescribing their qualifications, appointment, duration of service; authorizing one judge of the Supreme Court and two members of the commission to act upon petition for writs of error, etc. and providing for an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following Committee Amendment, to-wit:

"Amend H. B. No. 23 by striking out of the caption the following words 'and providing for the confirmation of such commissioners by the Senate,' and by striking out of Section 2 of the bill the following language, to-wit: 'Provided and except, however, no member of the Commission of Appeals so appointed as herein set out shall qualify or receive the oath of office until his appointment shall have been confirmed by and through the advice and consent of two-thirds of the Senate present.'"

It is further recommended that said bill be not printed either in bill form or in the Journal.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 29, A bill to be entitled "An Act authorizing the sale of certain lands owned by the State of Texas located near El Paso, and known as the abandoned site of the State School of Mines and Metallurgy; providing regulations in reference thereto;"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 64, A bill to be entitled "An Act to validate the grant of land made by the Crown of Spain to Jose Clemente Gutierrez, his heirs and assigns, of Porcion 41, lying and being situated in Zapata County, Texas, and to authorize the Commissioner of the General Land Office to issue patent to Jose Clemente Gutierrez, his heirs and assigns, to said Porcion, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 6, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 48, A bill to be entitled "An Act to amend Articles 4343, 4368 and 4388 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Love.

S. B. No. 48.

A BILL
To Be Entitled

An Act to amend Articles 4343, 4368 and 4388 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4343 of the Revised Civil Statutes of Texas of 1925, is hereby amended so that the same shall read as follows:

Bond.—Within twenty days after receipt of notice of his election or appointment and before he enters upon the duties of his office, the Comptroller shall give a bond with a good and solvent surety company, authorized to do business in this state, in the sum of seventy-five thousand dollars, payable to and to be approved by the Governor, conditioned that he will faithfully execute the duties of his office. All expense necessary and incident to the execution of such bond shall be paid by the State by appropriation.

If the Comptroller shall willfully neglect or refuse to perform any duty of the Comptroller as set out in this Chapter or elsewhere in the Statutes of Texas he shall forfeit to the State a sum not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each day that he shall so neglect or refuse to perform such duty; and it is hereby expressly provided that the surety company executing the Comptroller's bond, as herein provided for, shall be jointly and separately liable with the Comptroller for such sums to be forfeited.

The penalties provided for in this chapter shall be recovered by the Attorney General in a suit brought by him in the name of the State of Texas; and venue and jurisdiction of such suit is hereby conferred upon the courts of Travis County.

Sec. 2. Article 4368 of the Revised Civil Statutes of Texas of 1925, is hereby amended so that the same shall read as follows:

Bond.—The State Treasurer shall, within twenty days after he shall have received notice of his election or appointment, and before he enters upon the duties of his office, give a bond payable to and to be ap-

proved by the Governor, in the sum of seventy thousand dollars with a good and solvent surety company authorized to do business in this State, conditional that he will faithfully execute the duties of his office. All expense necessary and incidental to the execution of such bond shall be paid by the State by appropriation.

If the Treasurer shall willfully neglect or refuse to perform any duty of the Treasurer as set out in this Chapter or elsewhere in the Statutes of Texas he shall forfeit to the State a sum not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each day that he shall so neglect or refuse to perform such duty, and it is hereby expressly provided that the surety company executing the Treasurer's bond, as herein provided for, shall be jointly and separately liable with the Treasurer for such sums to be forfeited.

The penalties provided for in this Chapter shall be recovered by the Attorney General in a suit brought by him in the name of the State of Texas; and venue and jurisdiction of such suit is hereby conferred upon the courts of Travis County.

Sec. 3. Article 4388 of the Revised Civil Statutes of Texas of 1925 is hereby amended so that the same shall hereafter read as follows:

Daily Statements from Departments.—The State Treasurer shall receive daily from the head of each department, each of whom is specifically charged with the duty of making same daily, a detailed list of all persons remitting money the status of which is undetermined or which is awaiting the time when it can finally be taken into the Treasury together with the actual remittances which the Treasurer shall cash and place in his vaults or in legally authorized depository banks, if the necessity arises. The report from the General Land Office shall include all money for interest, principal and leases of school, university, asylum, and other lands.

A deposit receipt shall be issued by the Comptroller for the daily total of such remittances from each department; and the cashier of the Treasurer's department shall keep a cash book, to be called "suspense cash book," in which to enter these

deposit receipts, and any others issued for cash received for which no deposit warrants can be issued, or when their issuance is delayed. As soon as the status of money so placed with the Treasurer on a deposit receipt is determined it shall be transferred from the suspense account by placing the portion of it belonging to the State in the Treasury by the issuance of a deposit warrant, and the part found not to belong to the State shall be refunded. When deposit warrants are issued, they shall be credited in this cash book, as well as any refunds, and the balance shall represent the aggregate of the items still in suspense. Refunds shall be made in a manner similar to that in present use in the case of the General Land Office, and they shall be made on the Comptroller's authority.

The head of each department shall immediately place all money that is now held by him in a suspense or undetermined status with the State Treasurer on a deposit receipt as above shown.

It shall be unlawful for the head of any department to keep on deposit except with the State Treasurer any such funds as are of undetermined status, and all laws not in conformity with this are hereby repealed.

All moneys received by the heads of departments, including fees of office, that are of determined status shall be deposited daily in the State Treasury on a deposit warrant.

The head of any department who shall withhold from deposit any money that is of a determined status and should be deposited in the State Treasury on a deposit warrant, or is of an undetermined status and should be deposited with the State Treasurer on a deposit receipt shall become personally liable for three per cent interest per annum on the same for the time the deposit is so withheld, and this penalty shall be cumulative of all other penalties provided or to be provided by law.

Sec. 4. If any section of the act shall be held to be unconstitutional, such holding shall not affect the remaining portions of this act, and it is hereby declared that the Legislature would have enacted that part which is constitutional without hav-

ing enacted the unconstitutional part, if any.

Sec. 5. Any person who shall knowingly and wilfully violate any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Fifty dollars (\$50.00) nor more than Five hundred dollars (\$500.00) or by imprisonment in the county jail for not less than 30 days nor more than six months, or by both such fine and imprisonment.

Sec. 6. The fact that under the present laws many departments of the State government are now maintaining special bank accounts; that certain evils have resulted therefrom; and that there is need for more adequate penalties for failure to comply with the provisions of Chapters 2 and 3 of the Revised Civil Statutes of Texas of 1925 creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule for the reading of bills on three several days in each House, and said rule is hereby suspended, and this Act is made to take effect from and after its passage, and it is so enacted.

Comittee Room,

Austin, Texas, March 6, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 7, A bill to be entitled "An Act imposing an occupation tax upon theatrical, dramatic and musical comedy shows, moving picture shows, opera houses, theatres, tents, airdomes, and other such structures; and for public entertainment operating for private profit; said tax to be collected from the owner, proprietor or operator of such places of entertainment; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Graves of Erath. H. B. No. 7.

A BILL

To Be Entitled

An Act imposing an occupation tax

upon theatrical, dramatic and musical comedy shows, moving picture shows, opera houses, theatres, tents, airdomes, and other such structures; and for public entertainment operating for private profit; said tax to be collected from the owner, proprietor or operator of such places of entertainment; said tax to be collected from all shows, moving pictures and other public entertainments or exhibitions given for profit in cities, towns and villages; the amount to be graduated according to the population of said cities, towns and villages as described herein, imposing an annual tax according to said population of said cities; towns or villages, according to the last preceding Federal census; granting authority to such cities, towns, and villages to collect an additional tax equal to one half the State tax, repealing all laws in conflict herewith and particularly repealing Section 22 of Article 7047, Revised Civil Statutes of Texas and Chapter 6 of the General Laws of the Third Called Session of the 38th Legislature, and all laws or parts of laws in conflict with the provision of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be collected from the owner, proprietor or operator of every opera house, theatre, tent, airdome or other structure whose theatrical or dramatic presentation, musical comedy shows, moving pictures or other entertainments or exhibitions are given for profit in cities, town and villages under 1000 inhabitants, an annual tax of \$5.00; in towns and cities of 1000 inhabitants and under 2,500 inhabitants, an annual tax of \$15.00; in towns and cities of 2,500 inhabitants and under 5,000 inhabitants, an annual tax of \$20.00; in towns and cities of 5,000 inhabitants and under 10,000 inhabitants, an annual tax of \$30.00; in towns and cities of 10,000 inhabitants and under 15,000 inhabitants, an annual tax of \$30.00; in towns and cities of 15,000 and under 20,000, an annual tax of \$40.00; in towns and cities of 20,000 inhabitants and under 30,000 inhabitants, an annual tax of \$50.00; in towns and cities of 30,000 inhabitants and under 40,000 inha-

bitants, an annual tax of \$60.00; in towns and cities of 40,000 or more, an annual tax of 75.00. In each case the population shall be determined by the last preceding Federal Census.

Sec. 2. Said annual tax shall be collected from the owner, proprietor of every opera house, theatre, tent, airdome or other structure where theatrical or dramatic presentations, musical comedy shows, moving pictures or other amusements, entertainment or exhibitions are given for private profit in such cities, towns or villages of the sizes aforesaid; provided, further, if any opera house, theatre, tent, airdome or other such structure is transported from place to place, and is used in the manner and for the purposes herein set out in more than one city, town or village, only one annual occupation tax shall be collected from the owner, proprietor or operator of said opera house, theatre, tent, airdome or other structure, as set out in Section 1 hereof; provided, that in addition to the State Occupation Tax herein imposed, counties, incorporated cities, towns and villages shall each have the power and authority to collect one-half (1-2) of the amount of such State Occupation Tax.

Sec. 3. All laws and parts of laws in conflict with any of the provisions of this Act are hereby repealed and Section 22 of Article 7047 is hereby specifically repealed.

Sec. 4. The importance of this legislation to raise needed revenue for public purposes, and to equalize taxes on opera houses, theatres, tents and airdomes herein enumerated creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in full force from and after its passage and it is so enacted.

Committee Room.

Austin, Texas, March 6, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 49, A bill to be entitled "An Act providing for the temporary registration or visiting privileges in this State of vehicles owned by ci-

tizens of another state or country and duly registered under the laws of said state," etc.

Have had the same under consideration and we respectfully report it back to the Senate with the recommendation that it do pass and be printed in the Journal and not otherwise.

WITT, Chairman.

By Miller, Williamson. S. B. No. 49.

A BILL

To Be Entitled

An Act providing for the temporary registration or visiting privileges in this State of vehicles owned by citizens of another state or country and duly registered under the laws of said state or country for the current year; prescribing restrictions under which such vehicles may be operated; prescribing penalties for any violation hereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The following words and phrases when used in this Act shall for the purpose of this Act have the meanings respectfully ascribed to them in this section as follows:

"VEHICLE" Means every device in, or by which any person or property is or may be transported or drawn upon a public highway except devices moved only by human power or used exclusively upon stationary rails or tracks.

"MOTOR VEHICLE" Means every vehicle as herein defined which is self propelled.

"PASSENGER CAR" Means any motor vehicle other than a motorcycle or a bus as defined in this Act designed or used primarily for the transportation of persons.

"COMMERCIAL MOTOR VEHICLE" Means any motor vehicle other than a motorcycle designed or used for the transportation of property including every vehicle used for delivery purposes.

"TRAILER" Means every vehicle without motive power designed or used for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

"SEMI-TRAILER" Means every vehicle of the trailer type so designed or used in conjunction with

a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by a motor vehicle.

"OWNER" Means any person who holds a legal title of a motor vehicle or who has the legal right of possession thereof or the legal right of control of said vehicle.

"OCCASIONAL TRIP" Means not to exceed two trips into this State during any calendar month nor to exceed twenty days on any trip.

"NON-RESIDENT" Means every resident of a state or country other than the State of Texas whose sojourn in this State, or whose occupation, or place of abode, or business in this state if any, covers a total period of not more than one hundred twenty days in the calendar year.

"DEPARTMENT" The State Highway Department of this State, acting directly or through its duly authorized officers and agents.

Sec. 2. A non-resident owner of a motor vehicle, trailer or semi-trailer which has been duly registered for the current year in the state or country of which the owner is a resident and in accordance with the laws thereof, may, in lieu of registering such vehicle as otherwise required by law, apply to the State Highway Department through a county tax collector for the registration thereof as provided in this Act, except that the privileges granted as otherwise provided for in this Act shall not apply to any motor vehicle, trailer, or semi-trailer operated within this State of the transportation of persons or property for compensation or hire.

Sec. 3. The non-resident owner or operator of any passenger car shall within twenty days after commencing to operate such vehicle, or causing or permitting it to be operated within this State apply to the Department, through any county tax collector, for the temporary registration thereof upon the appropriate official form stating therein the name and home address of the owner and the temporary address, if any, of the owner or operator while within this State, the registration number of said vehicle assigned thereto in the State or country in which the owner is a resident, together with such description of the motor vehicle as may be called for in the form and such other statements of facts as may

be required by the Department. Each such application shall be accompanied by a fee of fifty cents, twenty-five cents to be retained by the tax collector, and twenty-five cents to be remitted on Monday of each week to the State Highway Department, together with a copy of such receipt.

Sec. 4. The county tax collector shall file each application received, and issue to the owner a temporary registration certificate of distinctive form to be furnished by the Department containing the date it is issued, a brief description of the vehicle and a statement that the owner has procured temporary registration of such vehicle as a non-resident. Said certificate when displayed as required in Section five hereof shall entitle the owner or operator of said vehicle to operate it in this State for a period not exceeding one hundred twenty days from date of issuance of said certificate.

Sec. 5. No non-resident owner or a motor vehicle, trailer or semi-trailer shall operate any such vehicle or cause or permit it to be operated upon the public highways of this State, either before or while it is registered under this Section, unless there shall at all times be displayed thereon the registration number plates assigned to said vehicle for the current calendar year by the country or state of which such owner is a resident, nor unless the certificate of temporary registration, when issued thereto as in this Section provided shall be placed on said motor vehicle in the manner to be specified by the Department and on any other vehicle in plain sight and in the manner to be specified by the Department. Provided that nothing in this Act shall prevent a non-resident owner of a motor vehicle from operating at will such vehicle in this State for the sole purpose of marketing farm products raised exclusively by him. And provided further that any non-resident owner of a privately owned commercial vehicle not being operated for compensation or hire may be permitted to make an occasional trip into this State with such vehicle under the privileges of this Act without obtaining such temporary registration certificate. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be

fined in any sum not exceeding \$200.00.

Sec. 6. If any person shall operate any such vehicle or any owner thereof shall operate or permit to be operated, any such vehicle within this State for a period of more than twenty days without applying for the temporary registration thereof, as herein prescribed, unless otherwise provided for in this Act, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding two hundred dollars. If any person shall operate any such vehicle or if any owner thereof shall operate or permit to be operated any such vehicle within this State after the expiration date of any certificate issued for such vehicle under the provisions of this Act without registering the vehicle under the laws governing the registration of the vehicles by the residents of this State or without having displayed thereon license number plates duly assigned therefor under the provisions of said laws, he shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not exceeding two hundred dollars.

Sec. 7. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 8. The fact that there is now no law whatever on the Statute Books of this State regulating the operation of motor vehicles owned by non-residents and the importance of the early enactment of this measure creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and this shall take effect and be in force from and after its passage.

Committee Room,
Austin, Texas, March 6, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 55, A bill to be entitled "An Act to amend Section 84-a of Chapter 25, of the General Laws passed by the thirty-ninth Legislature at its regular session in 1925 as amended by Chapter 82, Acts of the First Called Session of the 41st Legislature, so as to authorize such districts to declare an emergency in

certain cases and under certain limitations and to issue interim bonds in evidence of such emergency loans, and to pledge taxes and bonds of the district to secure payment of such emergency loans evidenced by such interim bonds. Etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal, but not otherwise.

WIRTZ, Chairman.

By Martin.

S. B. No. 55.

A BILL

To Be Entitled

An Act to amend Section 84-a of Chapter 25, of the General Laws passed by the Thirty-ninth Legislature at its regular session in 1925, as amended by Chapter 82, Acts of the First Called Session of the Forty-first Legislature, so as to authorize such districts to declare as emergency in certain cases and under certain limitations and to issue interim bonds in evidence of such emergency loans, and to pledge taxes and bonds of the District to secure payment of such emergency loans evidenced by such interim bonds. And further to provide that this Act, when adopted, shall apply to Water Control and Improvement Districts, Water Improvement Districts, Levee Improvement Districts, Drainage Districts, and all other districts created under the provision of the Section 59 of Article 16 of the Constitution of the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 84-a of Chapter 25 of the General Laws, passed at the regular session of the Thirty-ninth Legislature in 1925, as amended by Chapter 82, Acts of the First Called Session of the Forty-first Legislature, is hereby amended so as to hereafter read as follows, to-wit:

"Section 84-a. Whenever bonds, other than preliminary bonds or notes, are voted by any Water Control and Improvement District, Water Improvement District, Levee Im-

pprovement District, Drainage District, or any other, district created under and by virtue of Section 59 to Article 16 of the Constitution of the State of Texas, the Board of Directors thereof shall have power to declare an existing emergency in the matter of funds not being available for engineering work, for the purchase of lands for rights-of-way, and or reservoir sites, for construction work, for legal and other necessary expenses, and for such purposes may issue securities on the faith and credit of the District in the manner hereinafter stated, to-wit:

(1). The securities evidencing such emergency loan shall be known as "interim bonds." They shall mature not later than ten (10) years from date of issue, and shall be redeemable at any time prior to maturity as is hereinafter provided. The principal amount of such emergency loan shall not exceed twenty per cent (20%) of the principal amount of the bonds of the district which have voted, but not sold; provided, however, that before the issuance of such bonds the Board of Directors of any district desiring to issue same may by resolution duly passed limit the issue to any amount less than twenty per cent (20%), and when such amount is determined and fixed by such resolution, no additional interim bonds may be issued and sold until all outstanding interim bonds have been paid in full.

(2). When the bonds of any such district, other than preliminary bonds, have been authorized by the necessary favorable vote of the qualified electors, the Board of Directors thereof may, in its discretion, authorize the issuance of such bonds in whole or in parcels, as the needs of the district may require, and such Board shall, and it is hereby made its duty, levy and provide for the annual assessment and collection of taxes sufficient to pay principal and interest of the bonds so authorized to be issued and sold. Such bonds may be authorized and the taxes levied therefor, as aforesaid, and approved by the Attorney General and registered by the Comptroller of Public Accounts, prior to the filing of the report of the State Board of Water

Engineers provided for in Section 139, Chapter 25, Acts of 1925.

(3). As the "interim bonds" herein authorized, are issued and sold, it shall be the duty of the Board of Directors, by orders duly passed, to deposit in the District Depository, bonds of said district that have been validated by the judgement of a Court of Competent jurisdiction, or, approved by the Attorney General and registered by the Comptroller of Public Accounts, as provided in Sub-Section 2 of this Act, and which said bonds shall be deposited in said depository to the credit of the "interest and sinking fund account" created for the payment of such "interim bonds"; provided, that the principal amount of bonds so deposited shall aggregate at least one hundred and ten per centum (110%) of the principal sum of the series of "interim bonds" to secure payment of which the said bonds are deposited.

(4). The interest rate on the "interim bonds" shall not exceed the interest rate on the bonds deposited to secure their payment. Such "interim bonds" may be sold in the manner and on the same terms provided by law for the sale of other bonds of any such district; and such "interim bonds" shall be issued in the name of the district, signed by the President, and attested by the Secretary, with the seal of the district affixed thereto, and may be issued in such denominations as may be determined by the Board of Directors, and shall be approved by the Attorney General and registered by the Comptroller of Public Accounts in the same manner as hereinabove provided for the approval and registration of improvement bonds of such district; provided when "interim bonds" are sold at less than par value and accrued interest, the improvement bonds issued by such district must be sold at an increase over the price authorized by law in a sum sufficient to equal the discount allowed on the interim bonds.

(5). To secure the loan evidenced by such "interim bonds" the Board of Directors shall appropriate the tax levied for the payment of the bonds deposited to the credit of the "interest and sinking fund account" of such "interim bonds", or so much

tax as may be necessary for that purpose, and the proceeds of such tax, when collected, shall be devoted exclusively to the payment of the principal and interest of such "interim bonds"; provided, however, that nothing in this act shall be construed as prohibiting the sale of any bonds of the district deposited to the credit of the "interest and sinking fund account" of the "interim bonds", or any other bonds of such district, but in event of the sale of any such bonds it is hereby made the duty of the district depository to apply the proceeds of any such sale, first, to the payment of the principal and accrued interest of all such "interim bonds", and the remainder to the purpose or purposes for which any such bonds may have been authorized; and, provided further, that in event none of the bonds of the district shall have been sold at the time of the maturity of any installment for the principal or interest on the "interim bonds", it shall be the duty of the depository to cancel bonds so deposited, and annexed interest coupons, equal in amount to the principal and interest of any such "interim bonds" so paid off and discharged.

(6). Said "interim bonds" shall be redeemable, at the option of the Board of Directors of said district, at any time or times prior to maturity, upon payment by the district of principal and interest accrued to date fixed for redemption by said Board, and whenever any such "interim bonds" are called in for redemption before maturity, notice thereof in writing shall be given to the bank or banking house named as the place of payment in such bonds, or to its successors or assigns, by the Secretary of the Board of Directors of the district. The Secretary shall designate in such notice the bond or bonds so called for redemption and payment, setting forth the number thereof, and the date fixed for the redemption thereof, which date shall be not more than thirty (30) days after the date notice of call payment is made. In event any of such "interim bonds" so called for redemption are not presented, the same shall cease to bear interest from and after the date so fixed for redemption.

(7). All interim bonds heretofore issued and sold under authority of Chapter 25 as amended by Chapter 82, Section 84-a of the General Laws passed by the first called session of the Forty-first Legislature must be refunded or paid in full before additional bonds may be issued and sold.

(8). The inadequacy of the present law in relation to the subject matter of this Act, and the public importance of this Act, create an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days before final passage be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 7, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 58, A bill to be entitled "An Act to amend Chapter 14, Section 10, Acts of the Forty-first Legislature, Third Called Session, relating to the restriction of the payment by the State of tuition for high school students; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Love, DeBerry and S. B. No. 58.
Russek.

A BILL

To Be Entitled

An Act to amend Chapter 14, Section 10, Acts of the Forty-first Legislature, Third Called Session, relating to the restriction of the payment by the State of tuition for high school students; repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 10, Chap-

ter 14, Acts of the Forty-first Legislature, Third Called Session, be amended so as to hereafter read as follows:

"Sec. 10. It is hereby expressly provided that an amount not to exceed \$400,000 or so much thereof as may be necessary of the appropriation made herein may be used each year of the biennium for the payment of tuition of rural high school pupils according to the provisions of Chapter 181 of the General Laws of the Fortieth Legislature, Regular Session, amended by Senate Bill 10 passed at the First Called Session of the Forty-first Legislature."

Sec. 2. The provisions of this Act shall become effective September 1, 1930.

Sec. 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 4. The near approach of the close of this Session of the Legislature and the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 32, A bill to be entitled "An Act to amend House Bill No. 6, Chapter 88, page 172, Acts of the Forty-first Legislature, Second Called Session by adding under Section 1 subsection O defining "Farm-trailer" by adding subsection P defining "Farm-semi-trailer," etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendatio that it do pass with committee amendments, and that it be printed in the Journal but not otherwise.

WITT, Chairman.

Committee Amendments.

Amend H. B. No. 32 by adding after the semi-colon following the words 4,000 pounds in Section 2 the following words:

Provided that no farm trailer or farm semi-trailer with metal tires shall be permitted to operate at a speed in excess of fifteen (15) miles per hour and further provided that the exemptions in this section shall not apply to any farm trailer or farm semi-trailer with steel tires of a width less than three inches operating in excess of fifteen (15) miles per hour;

By Allred

H. B. No. 32.

A BILL

To Be Entitled

An Act to amend House Bill No. 6, Chapter 88, Page 172, Acts of the 41st Legislature, Second Called Session by adding under Section 1, Sub-section "O" defining "Farm-trailer"; by adding Sub-section "P" defining "Farm-semi-trailer"; by adding Sub-section "Q" defining the phrase "Operated or moved temporarily upon the highway"; and by including under Section 2 certain "Farm-trailers" and "Farm-semi-trailers" with other vehicles exempted from license and registration fees; repealing House Bill No. 55, 4th Called Session, 41st Legislature; and creating an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1, House Bill No. 6, Chapter 88, Page 172, Acts of the 41st Legislature, Second Called Session be amended so that the same shall hereafter read as follows:

"Sec. 1. Definition of terms. The following words and terms, as used herein, have the meaning respectively ascribed to them in this Section, as follows:

(a) "Vehicle" means every device in, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle" means every vehicle, as herein defined, that is self-propelled.

(c) "Motor Cycle" means every motor vehicle designed to propel it-

self on not more than three wheels in contact with the ground.

(d) "Truck-tractor" means every motor vehicle designed or used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm-tractor" means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.

(f) "Road-tractor" means every motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

(g) "Trailer" means every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle.

(h) "Semi-trailer" means vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

(i) "Commercial Motor Vehicle" means any motor vehicle other than a motor cycle designed or used for the transportation of property including every vehicle used for delivery purposes.

(j) "Passenger Car" means any motor vehicle other than a motor cycle or a bus, as defined in this Act, designed or used primarily for the transportation of persons.

(k) "Department" means the State Highway Department or its duly authorized officers or agents.

(l) "Owner" means any person who holds the legal title of a vehicle or who has the legal right of possession thereof, or the legal right of control of said vehicle.

(m) "Public Highway" shall include any road, street, way, thoroughfare or bridge in this State not privately owned or controlled for the use of vehicles over which the State has legislative jurisdiction under its police power.

(n) "Motor Bus" shall include every vehicle except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated cities and/or towns and/or villages for compensation (or hire) whether operated over fixed routes or other-

wise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and/or towns or suburban additions to such towns.

(o) "Farm-trailer" means every "trailer" as defined in Sub-section (g) herein designed and used primarily as a farm vehicle.

(p) "Farm-semitrailer" means every semi-trailer as defined in Sub-section (h) herein designed and used primarily as a farm vehicle.

(q) By "operated or moved temporarily upon the highways" is meant the operation or conveying between different farms, and the operation or conveyance from the owner's farm to the place where his farm produce is prepared for market or where same is actually marketed and return."

Sec. 2. That Section 2 of House Bill No. 6, Chapter 88, Acts of the Second Called Session, 41st Legislature, be amended so that the same shall hereafter read as follows:

"Section 2. Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State, and each chauffeur, shall apply each year to the State Highway Department through the County Tax Collector of the county in which he resides for the registration of each such vehicle owned or controlled by him, or for a chauffeur's license, for the ensuing or current calendar year or unexpired portion thereof; provided, however, that owners of farm tractors, farm trailers, farm-semi-trailers, and implements of husbandry, operated or moved temporarily upon the highways shall not be required to register such farm-tractors, farm-trailers, farm-semi-trailers, or implements of husbandry; provided, however, that such farm-trailers and farm-semi-trailers aer operated in conformity to all provisions of the law save and except the requirement as to registration and license; and providing further, that the exemptions in this Section shall not apply to any farm-trailer or farm-semi-trailer when the gross weight exceeds 4,000 pounds; and providing, further, that the exemption in this Section shall not apply to any farm-trailer or farm semi-trailer when hte same is used for hire. Provided, however, it shall be unlawful to operate any trailer or

semi-trailer at night without a rear red light or red reflectors."

Sec. 2a. Nothing in this Act shall authorize any person to be subject to penalty of this law on account of his place of residence in this State, nor the occupation pursued.

Sec. 3. That House Bill No. 55 passed by the 4th Called Session of the 41st Legislature be and the same is hereby repealed.

Sec. 4. The fact that the Constitution limits the period of time of this Special Session of the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,
Austin, Texas, March 7, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 42, A bill to be entitled "An Act granting certain rights of eminent domain to Water Improvement Districts, authorizing such Districts to acquire by condemnation land, easements and other property and the fee simple title, easment or right-of-way in, over or through any and all lands for any of its necessary and authorized purposes, except lands used for cemetery purposes, and lands used for supplying water under the laws of this State; defining certain purposes for which property may be condemned by such districts, including the condemnation of materials to be used for any lawful purposes of Water Improvement Districts; providing for the institutions of condemnation proceedings, the procedure relative thereto and the assessing and payment of damages for property taken; providing for the determination of disputes or adverse or conflicting claims concerning titles to property sought to be condemned, and the damages thereto; providing that no delay in such determination, nor any appeal shall cause a suspension of work; providing that the omission of any person owning an interest in property from such proceedings, or a failure of such person to receive notice thereof, shall

not affect such proceedings as to any person not omitted who has received such notice; providing a method of condemnation when any such district issued for property occupied by it or for damages thereto; and providing that this Act is cumulative of other laws upon the same subject, and creating an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman

By Savage.

H. B. No. 42.

A BILL

To Be Entitled

An Act granting certain rights of eminent domain to Water Improvement Districts, authorizing such Districts to acquire by condemnation lands, easements and other property and the fee simple title, easement or right-of-way in, over or through any and all lands for any of its necessary and authorized purposes, except lands used for cemetery purposes, and lands used for supplying water under the laws of this State; defining certain purposes for which property may be condemned by such Districts, including the condemnation of materials to be used for any lawful purposes of Water Improvement Districts; providing for the institution of condemnation proceedings, the procedure relative thereto and the assessing and payment of damages for property taken; providing for the determination of disputes or adverse or conflicting claims concerning titles to property sought to be condemned, and the damages thereto; providing that no delay in such determination, nor any appeal shall cause a suspension of work; providing that the omission of any person owning an interest in property from such proceedings, or a failure of such person to receive notice thereof, shall not affect such proceedings as to any person not omitted who has received such notice; providing a method of condemnation when any such District is sued for property occupied by it or for damages thereto; and providing that this Act is:

cumulative of other laws upon the same subject; and creating an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The right of eminent domain is hereby conferred upon Water Improvement Districts established under the provisions of Chapter 2 of Title 128 of the Revised Civil Statutes of Texas, and for amendments thereof, to enable them to acquire by condemnation lands, easements and other property and the fee simple title, easement of right-of-way in, over and through all lands, private and public, except as hereinafter indicated, necessary for making, constructing, maintaining, operating, policing and protecting dams, reservoirs, canals, laterals, pumping sites, drainage ditches, levees and all other improvements necessary and proper for such Districts, including sites for construction and working purposes; and all necessary passways and roadways along or to and from any such dams, reservoirs, canals, laterals, pumping sites, drainage ditches, levees, and other improvements; and the authority hereby conferred shall authorize and empower such Districts to condemn lands, private and public, for the purposes hereinabove indicated within or beyond the boundary of such Districts and within any county in the State of Texas. And such right of eminent domain is also hereby conferred upon such Water Improvement Districts for the purpose of enabling such Districts to enter upon and acquire and take by condemnation from any land within said District and within one mile of such dams, reservoirs, canals, laterals, pumping sites, drainage ditches, levees or other improvements, all necessary earth, gravel, stone, clay or other materials for any one or more of the aforesaid purposes. The right of eminent domain shall not extend to any land used for cemetery purposes, nor to property owned by any person, association of persons, corporation or Water Improvement District and used for the purpose of supplying water under the laws of this State, and necessary for the making of reservoirs, canals, laterals, pumping sites, levee or drainage ditches, or other appurtenant

work by such owner. Adequate compensation shall be paid to the owner or owners of any property so taken, damaged or destroyed for such purposes.

Sec. 2. Whenever the fee simple title, easement or right-of-way in, to or over any land for any of the aforesaid purposes has been so acquired by condemnation, the right so obtained by said District shall include the right to remove and use any timber or any materials or any character within the limits of said land so condemned for any purposes necessary in the making, constructing, maintaining and operation of any of the improvements or structures above named.

Sec. 3. All such condemnation proceedings shall be under the direction of the directors and in the name of the Water Improvement District; and except as otherwise provided in this Act, the assessing of damages and all procedure with reference to condemnation, appeal and payment, shall be in conformity with the Statutes as provided in Title 52 of the Revised Civil Statutes of the State of Texas relating to eminent domain; provided that when the owner of any property or interest therein sought to be condemned, cannot be found after diligent search, or his residence is unknown, or such owner is a minor or other person laboring under disability, it shall be sufficient as a prerequisite to the jurisdiction of the Court to allege that such owner cannot be found after diligent search, or that his residence is unknown, or that he is a minor, or other person laboring under disability, and such allegation shall be deemed a sufficient statement that such District and such owner have been unable to agree upon the value of the land or for damages; and provided that any number of separate parcels of property situated in the same county, whether owned by the same person or persons, or different persons, may be embraced in one petition or statement for condemnation, and the compensation or damages for such several parcels when owned by the same person or persons, may be assessed separately or together; and when such parcel or parcels are owned by different persons in sev-

eralty, such compensation shall be assessed separately, according to such ownership; provided that when the title to any such property is in dispute between two or more owners, or there are adverse or conflicting claims thereto, it shall be sufficient to have the award of damages paid into the Court where such condemnation proceedings are pending, to await the determination of such dispute, and then paid to the rightful owner or owners thereof; and said Court shall have jurisdiction to determine all such adverse and conflicting claims to said property and said award of damages; and provided further, that no delay after such payment in determining the rightful ownership thereof, nor any appeal from the finding and assessment of damages by the Commissioners appointed for that purpose, shall have the effect of causing the suspension of work by the District in connection with which such property is sought to be condemned or acquired.

Sec. 4. In any case where property has been condemned or sought to be condemned and any person or persons owning an interest or interests in such property has been omitted from such proceedings, or has failed to receive a notice of such condemnation proceedings as provided by Law, such omission or failure shall not invalidate the proceedings or judgment of condemnation as to any person or persons who is a party to such proceedings and who has received proper legal notice thereof and such property and the interest therein of such person or persons so omitted or so failing to receive such notice may be condemned in any subsequent proceedings therefor.

Sec. 5. When any such District is sued for any property occupied by it or taken by it for any of its purposes, or for damages thereto, the Court in which such suit is pending may determine all matters in dispute between the parties, including the condemnation of the property, upon petition or cross-bill asking such remedy by the defendant.

Sec. 6. This Act is cumulative of all other laws upon the same subject.

Sec. 7. The fact that the Stat-

utes of the State of Texas do not make any adequate provision whereby Water Improvement Districts are authorized to condemn materials for construction purposes, and the fact that said Statutes fail to provide for a disposition of the damages awarded in condemnation when the titles to such lands are in dispute, create an emergency, and an imperative public necessity which justifies the suspension of the Constitutional Rule requiring bills to be read on three several days in each house, and the Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enactde.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,
March 8, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-------------|-------------|
| Beck. | Neal. |
| Berkeley. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Small. |
| Greer. | Stevenson. |
| Hardin. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |
| Moore. | |

Absent—Excused.

| | |
|-----------|----------|
| Cousins. | Pollard. |
| Holbrook. | Russek. |
| Love. | Wirtz. |

Prayer by the Rev. Dr. K. P. Barton of Austin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)